THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.26147 OF 2005

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Date: 26-12-2005

Gurvinder Singh …Petitioner

And

The Commissioner of Police and others …Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI

AND

THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION NO.26147 OF 2005

O R D E R (Per the Hon'ble Sri Justice Bilal Nazki):

We have recorded the statement of the detenue, who is present in the Court. The petitioner and the fourth respondent are also present in the Court. The detenue stated that she married the petitioner, Mr Gurvinder Singh. She was working with

General Electrics at Hyderabad. She stated that she had gone to Delhi and she went to Delhi out of her own free will. She also stated that she knows Mr Chandra Sekhar Singh-the fourth respondent and he is her friend. She further stated that she did not have any complaints against the said Chandra Sekhar Singh and he had not kidnapped her or taken her out with him forcibly. She did not want to go with her husband and she wants to take divorce from him.

We have also examined the child of the petitioner and the detenue by name Amanda Esther Kapoor, who is aged 5 ½ years. She categorically stated that she would like to stay with the brother of her father by name Gurupreet Singh Kapoor. She did not even want to go either with her father or mother.

Keeping in view the interest of the child, we are handing over the child to Mr Gurupreet Singh Kapoor, who is the paternal uncle of the child, to which both the parties do not object. But, this arrangement shall remain operative till the matter is decided by the Family Court, if any of the parties approaches the Family Court for custody of the child. The Family Court shall decide about the custody of the child in accordance with the merits. We direct Mr Gurupreet Singh Kapoor, who is in the Court and who is prepared to take the responsibility and custody of the child that he shall keep the interest of the child in view and see that her health and education are taken care of.

With these observations, the writ petition is disposed of.

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(Bilal Nazki, J)

26th December, 2005

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(C.V.Ramulu,J)

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